IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 5TH OCTOBER 2006 / 13TH ASWINA 1928

Bail Appl..No. 5936 of 2006

CRIME NO.304/2006 OF VADAKKEKKAD POLICE STATION

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PETITIONERS/ACCUSED

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1. KUNCHUMON @ ABOOBACKER, AGED 43 YEARS,
   S/O.ABDULLA KUTTY, 144, KURUVEETTIL HOUSE,
   VADAKKEKAD P.O., THRISSUR.

2. MYMOONA, AGED 35 YEARS,
   W/O.KURUVEETTIL HOUSE,
   VADAKKEKAD P.O., THRISSUR.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
(SUB-INSPECTOR OF POLICE,
VADAKKEKAD POLICE STATION, CRIME NO.304/2006),
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5936/2006

DATED THIS THE 5TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused 2 and 3, in crime No.304/2006 of Vadakkekkad Police Station. The allegation made against the accused, three in number, is that the first accused, the brother of the second accused, had committed rape on the victim and thereafter, the petitioners herein had assaulted her and caused her injuries. She was hospitalised. The offence alleged are under Sections 376, 506(i), 294(b), 354, 323, 324 and 343 IPC read with Section 34 IPC. The petitioners are before this Court, under Section 438 Cr.P.C.

2. I had gone through the C.D file as well as the medical examination report of the victim, issued by the Medical College Hospital, Thrissur. I had also heard the arguments advanced by both sides.

3. Considering the facts as well as the overt acts attributed to the petitioners, I direct them to surrender

before the Investigating Officer on 12.10.2006 between 9.30 a.m and 10.00 a.m.

4. The petitioners shall be interrogated by the Investigating Officer, as per the law. The interrogation, if any, of the second petitioner, Mymoona, shall be in the presence of a woman police officer.

5. After the interrogation, the petitioners shall be produced before the Court below, as per the law. The learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs